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December 29, 2011

By ECF
The Honorable Sandra L. Townes
U.S. District Judge
225 Cadman Plaza
Brooklyn, NY 11201

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U.S. DISTRICT COURT E.D.N.Y.
★ JAN 18 2012 ★
BROOKLYN OFFICE

Re: United States v. Anthony Vaglica
11 CR 005 (SLT)

Dear Judge Townes:

Please accept this letter brief in lieu of more formal motions on behalf of Anthony Vaglica.

INTRODUCTION

The superseding Indictment in this matter charges Mr. Vaglica's co-defendant Bartolomeo Vernace with two murder conspiracies and two murders as well as significant distributions of heroin. Anthony Vaglica is not charged with any crime of violence or narcotics dealing. As well Vernace and others are charged with Using and Carrying Firearms. It is alleged that he is a Gambino family associate, and he is specifically alleged to have participated in the affairs of the affairs of the Gambino crime family from 1978 through 2011, (Paragraph 15 of the Introduction to the Indictment), participated in conspiracies to make and collect extortionate extensions of credit between 1990 and 2003, (Racketeering Act Six) and that he conspired to an did participate in an illegal baccarat game from 1990 until 2011 with, among

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others Mr. Vernace, (Racketeering Act Seven) and finally in Racketeering Act Eight with an additional Extortionate Extension of Credit Conspiracy with Mr. Vernace and Mr. Wehnert alleged to have occurred between October, 1990 and January 2003.

RELIEF SOUGHT

I have reviewed each of the motions filed by able counsel for Mr. Vaglica's co-defendants. Now, on behalf of Mr. Vaglica, I respectfully seek to join in and adopt each of those motions as are applicable to him and which he has standing. These include, but are not limited to the motions to dismiss, for a Bill of Particulars and for Severance.

The factual and legal arguments set forth in the Motion to Dismiss the Indictment apply equally to each of the defendants. As to a Bill of Particulars, Mr. Vaglica seeks particularization of his alleged criminal conduct: the Indictment makes out bare bones allegations that for a period of several decades he partook in the activities of the Gambino crime family by running an illegal baccarat game and further by making and collecting extortionate extensions of credit. The sparseness of the language of the Indictment, does not afford him the ability to defend against these charges or to later assert a double jeopardy claim absent further particularity. Thus we seek a Bill setting forth the specific dates, times and locations and persons with whom he allegedly conspired and acted to run the baccarat game and to whom he allegedly extended credit at extortionate rates and collected such loans. With respect to the severance motion, Mr. Vaglica is similarly situated to those defendants seeking severance and adopts their legal and factual assertions insofar as they apply to him.

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CONCLUSION

For the foregoing reasons, Anthony Vaglica respectfully joins in and adopts each and every one of the motions filed by his co-defendants which are applicable to him and for which he has standing. Oral argument is respectfully requested. Thank you.

Very truly yours,

/S

Joel S. Cohen (JC6998)

cc: AUSA Evan Norris
All Counsel

I will not review co-defendants' motions to determine which apply to Mr. Vaglica. If counsel wishes to join in other motions he must specify them.

The application is ☒ granted. ☒ denied.
SO ORDERED.

~~ST SLT~~
Sandra L. Townes, U.S.D.J.
Dated: December 30, 2011
Brooklyn, New York